

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STERLING SAVINGS BANK, a
Washington state-chartered savings and loan
association.

Plaintiff,

VS.

TEAM NORTHWEST AUTOMOTIVE,
LLC, an Oregon limited liability company,
MURRAY DOUGLAS ETHERIDGE and
MARCIA L. ETHERIDGE, husband and
wife, SUNSET AUTOMOTIVE
PARTNERS, LLC, an Oregon limited
liability company, and KERRY CHIMENTI,
an individual.

Defendants.

NO. CV-05-076-JLQ

**ORDER DENYING DEFENDANT
CHIMENTI'S MOTION FOR
SUMMARY JUDGMENT**

BEFORE THE COURT is Defendant Chimienti's Motion for Summary Judgment (Ct. Rec. 82). On April 26, 2006, counsel for Defendant Chimienti informed the court that counsel was experiencing computer problems and would therefore file original hard copies of Defendant Chimienti's Motion for Summary Judgment, Memorandum in Support of Summary Judgment, Affidavit of Richard Clark, Affidavit of Kerry Chimienti, and Declaration of Service with the Clerk's Office in Richland, Washington. The Clerk's Office scanned the motion, memorandum, and declaration of service into this district's electronic filing system for counsel, but informed counsel that Defendant would need to file the affidavits electronically, in compliance with Local Rule 3.1. To date, Defendant has filed nothing further.

Local Rule 56.1(a) provides the following:

Any party filing a motion for summary judgment shall set forth separately from the memorandum of law, and in full, the specific facts relied upon in support of the motion. The specific facts shall be set forth in serial fashion and not in narrative form. As to each fact, the statement shall refer to the specific portion of the record where the fact is found (i.e., affidavit,

deposition, etc.). The specific portions of the record relied upon shall be attached in the statement of material facts.

In light of the Defendant's failure to comply with Local Rule 56.1 by not filing a statement of facts, or supporting affidavits, Defendant Chimienti's Motion for Summary Judgment is **DENIED**. (Ct. Rec. 82).

IT IS SO ORDERED. The Clerk of this court shall enter this Order and forward copies to counsel.

DATED this 22nd day of May 2006.

s/ Justin L. Quackenbush

**JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE**